

Remarks

Applicant respectfully request the examiner reconsider and withdrawl the present restriction requirement, based on the reasoning set forth below.

First, 35 USC 121 applies to independent claims. Applicant's invention is defined, at the broadest level, in independent claims 1, 8, 15, 24, and 33. A restriction requirement to dependent claims is not appropriate.

Furthermore, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (MPEP 302).

With respect to the pending claims, applicant submits that a search and examination of an entire application, including the dependent claims, can be

made without serious burden considering the common subject matter and common claim limitations included in the pending claims

As a result, applicant respectfully request the examiner reconsider and withdrawl the present restriction requirement, based on the reasoning set forth above.

CONCLUSION

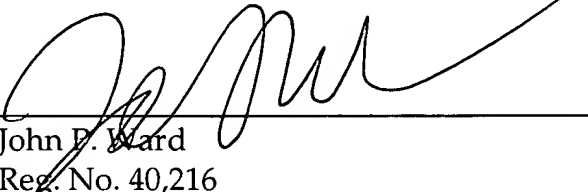
Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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